

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Howard Bernstein, Yan Zhang, M. Amin Khan and Mark A. Tracy

Application No.: 10/797,718

Group: 1656

Filed: March 10, 2004

Examiner: M. Monshipouri

Confirmation No.: 4117

For: MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

CERTIFICATE OF MAILING OR TRANSMISSION	
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8-13-07	Sandra J. Jansz
Date	Signature
Sandra J. Jansz	
Typed or printed name of person signing certificate	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply to Restriction Requirement for filing in the above-identified application.

- ☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- ☐ A Small Entity Statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

**The claims fee has been calculated as shown below:**

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	17	MINUS	* 20	0
INDEP	4	MINUS	** 4	0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY			OTHER THAN SMALL ENTITY		
	RATE	ADDIT. FEE		RATE	ADDIT. FEE
X	\$ 25	\$	X	50	\$ 0
X	\$100	\$	X	\$200	\$ 0
+	\$180	\$	+	\$360	\$ 0

\* not fewer than 20  
 \*\* not fewer than 3

TOTAL = \$ 0      TOTAL = \$ 0

**The Application Size Fee has been calculated as shown below:***(Effective for cases filed on or after December 8, 2004)*

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (Increments of 50 sheets)

SMALL ENTITY		OTHER THAN SMALL ENTITY	
Rate	Total Amount Owed	Rate	Total Amount Owed
X \$125	\$[ ]	X \$250	\$[ ]

Payment Sufficient for up to
[ ] Sheets

**Petition for Extension of Time**

- ☒ Applicant hereby petitions to extend the time to respond to the Restriction Requirement dated May 11, 2007 for two month(s) from June 11, 2007 to August 11, 2007. The appropriate fee is set forth below.
- ☐ [For action-specific language in an extension of time, select the appropriate option from the Firm Templates]

**Please charge Deposit Account No. 08-0380 for the following fees:**

<input type="checkbox"/>	Petition for [    ] month Extension of Time	\$	_____
<input type="checkbox"/>	Claims Fee	\$	_____
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:	\$	_____
		\$	_____
		\$	_____
TOTAL:		\$	_____

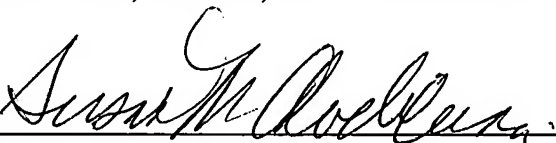
**A check is enclosed in payment of the following fees:**

<input checked="" type="checkbox"/>	Petition for two month Extension of Time	\$	450
<input type="checkbox"/>	Claims Fee	\$	_____
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:	\$	_____
		\$	_____
		\$	_____
TOTAL:		\$	450

- ☒ Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
 Susan M. Abelleira  
 Registration No.: 42,252  
 Telephone (978) 341-0036  
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Concord, Massachusetts 01742-9133

Dated: August 13, 2007



THE UNITED STATES PATENT AND TRADEMARK OFFICE

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8-13-07	Sandra Jamal
Date	Signature
Sandra	Jamal
Typed or printed name of person signing certificate	

**REPLY TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement dated May 11, 2007, the claims of Group III (Claims 1-6) drawn to a modulated release composition comprising a biocompatible polymeric matrix, a biologically active pharmaceutical composition and zinc cation are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicant hereby elects poly(lactide-co-glycolide)s blend and copolymers thereof as the species of polymer and human growth hormone as the species of protein. Claims readable on the elected species are 1-6.

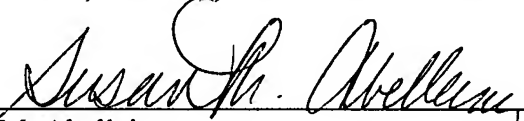
Pursuant to MPEP § 821.04(b), it is anticipated that the Group VI invention, at least at it applies to zinc cation, will be rejoined and examined when the claims of the Group III invention are found to be allowable.

An extension of time to respond to the Restriction Requirement is respectfully requested. A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



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